

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

Case No.: 14-72941-las

Gershon Barkany,

Chapter 7

Alleged Debtor.

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**ORDER AUTHORIZING MOVANTS TO ISSUE SUBPOENAS  
FOR THE PRODUCTION OF DOCUMENTS**

Upon the motion, dated October 8, 2014 (the “Motion”), of Joseph Rosenberg, Jonathan Zelinger, Saul Kessler, Marina District Development Co., LLC, Whitefish Group, LLC, Sara Leifer, Murray Leifer, Jonathan Leifer, Edward Lowy, Steven Kwestel, Zucker & Kwestel LLP, and Alfred Schonberger (the “Movants”) of the above captioned debtor (the “Debtor”) pursuant to Bankruptcy Rule 2004, for an order authorizing the Movants to issue subpoenas for the production of documents by Barkany Asset Recovery and Management LLC (“BARM”) as more fully set forth in the Motion; and this Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having determined that the relief requested in the Motion is in the best interests of the Debtor’s estate, creditors, and other parties-in-interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor; it is

**ORDERED**, that the Motion is granted on the terms set forth herein; and it is further

**ORDERED**, that the Movants are authorized under Bankruptcy Rules 2004 and 9016, to issue such subpoenas as may be necessary to compel the production of documents from BARM; and it is further

**ORDERED**, that unless otherwise agreed to by the Movants, BARM shall have fourteen (14) days from the service of a subpoena to either (1) produce to the Movants all responsive documents requested in the subpoena, other than those documents withheld under a claim of privilege or (2) file with this Court an objection or response to the subpoena with a hearing promptly scheduled; and it is further

**ORDERED**, that unless otherwise agreed to by the Movants, if BARM withholds any documents from the production based upon a claim of privilege, BARM is directed to provide counsel for the Movants with a privilege log, containing the information required under Bankruptcy Rule 7026 and E.D.N.Y. L.B.R. 7026-1, within fourteen (14) days of the service of a subpoena on BARM; and it is further

**ORDERED**, that nothing herein shall limit the rights of BARM under applicable law to object to or oppose any subpoena the Movants may serve upon BARM; and it is further

**ORDERED**, that in accordance with Bankruptcy Rules 2004 and 9016, (i) the Clerk of this Court shall issue subpoenas, signed, but otherwise in-blank, as requested by the Movants, or (ii) provided that counsel for the Movants are authorized to practice in this Court, counsel may issue and sign the subpoenas; and it is further

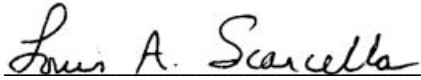
**ORDERED**, that the Movants shall file with the Court an affidavit or declaration of service for each subpoena they serve; and it is further

**ORDERED**, that this Order is without prejudice to the Movants' rights to file further motions seeking additional documents and testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable law; and it is further

**ORDERED**, that this Court shall retain jurisdiction to resolve any disputes arising or related to this Order including any discovery disputes that may arise between or among the parties and to interpret, implement, and enforce the provisions of this Order.

**Dated: November 14, 2014**  
**Central Islip, New York**



  
**Louis A. Scarcella**  
**United States Bankruptcy Judge**